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EXAMINER

MANNING, JOHN

ART UNIT	PAPER NUMBER
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2614

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DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/657,250

Applicant(s)

PIERRE ET AL.

Examiner

John Manning

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 11/09/1999. It is noted, however, that applicant has not filed a certified copy of the PCT/IB99/01903 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, 7, 10, 15-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn (US Pat No 6,611,654).

In regard to claim 1, the reference discloses a system where one or more clients register "events", such that upon detection of the "event" an action is performed. Client 102 "forwards to a server system 104 a request to make available a recording of a certain broadcasted program" (Col 2 Lines 53-55); where server system 104 acts as the "event broker". "Server system 104 locates a tuner 106 and a storage system 108 within a region 110 wherein this particular program will be broadcasted. Upon having selected storage system 108, the latter is activated to record the program at the time of

broadcast" (Col 2, Lines 55-59); where this process constitutes the event manager and the action handler.

In regard to claim 2, the reference discloses a system where the "event broker" or server 104 "notifies" the one of the "event managers" (where the process of the "event manager" is defined above) to detect a specific event booked by the client 102. The process of the "event manager" notifies the server 104 of the identified event upon detection. The process of the "action handlers" initiates the action in response to being notified of the detection of an event. "Upon receiving this information from client 304, server 104 selects the appropriate region, here region 110, for locally recording the broadcast on storage system 108. After recording, the recorded content is supplied to client 304, e.g., via the Internet using a low-bandwidth protocol for local recording. Alternatively, if the desired broadcast takes place within the same region as that containing client 304, the recording of the content during the broadcast is made at client 304 directly without server storage 108 but under control of the server 104" (Col 3, Line 61-Col 4, Line 8).

In regard to claim 5, the "events" disclosed in the reference are associated with a broadcast signal (Col 2, Lines 46-51).

In regard to claim 7, in the disclosed system the "event broker" maintains the "event bookings" or event reservations from a plurality of distinct clients. "By minimizing the occupancy time at system 108 and at client 102, storage capacity usage is optimized towards being able to service a larger number end-users" (Col 3, Lines 8-11).

In regard to claim 10, the client's booking identifies an "event manager" where the "event manager" notifies the server 104 of the identified event upon detection. The process of the "action handlers" initiates the action in response to being notified of the detection of an event (Col 3, Line 61-Col 4, Line 8; Col 2 Lines 53-55; Col 2, Lines 55-59)

The method described in claim 15 is met by that discussed above for claim 1.

In regard to claim 16, the disclosed system has the "event booking" registered in a center location (i.e. sever system 104).

In regard to claim 18, the "event manager" or server 104 identifies the proper "event manager" which detects the booked event. "Server system 104 locates a tuner 106 and a storage system 108 within a region 110 wherein this particular program will be broadcasted. Upon having selected storage system 108, the latter is activated to record the program at the time of broadcast" (Col 2, Lines 55-59)

4. Claims 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Chernock (US Pat Application Publication No 2003/0159150).

In regard to claim 22, the reference discloses a system for scheduling one or more "events", such that upon detection of the one or more "events", one or more actions are performed. "A method is therefore provided for automatic and semi-automatic scheduling of events in the context of a multimedia presentation including audio, video and digital data. The scheduling information of a future broadcast program is ascertained and may be embedded into the content of a multimedia presentation." "The presentation is then displayed on the user's television set, radio, a computer or any

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other receiving device with capabilities of the present invention, depending on the data type" (Paragraph 0012). Figure 1 shows the receiving device. "The receiving device, in the preferred embodiment, is an STB or a PC with a TV tuner card." This device consists of "the specialized hardware components for utilizing MPEG-2 compressed multimedia presentations of STBs and digital televisions" (Paragraph 0037; Paragraph 0038, Lines 1-3). The microprocessor 150 in combination with the memory 160, act as the broker mechanism and the action handlers. "General-purpose microprocessors 150, such as the PowerPC 401 are used in STBs and digital televisions for controlling MPEG-2 components as well as for executing applications such as a program guide used by the viewer. The microprocessor can obtain input from the MPEG-2 stream through the demultiplexer 110 or from a viewer interaction device, such as an infrared remote control connected to a data port 170. The microprocessor 150 has an attached memory storage 160, which is either a random access memory (RAM), non-volatile storage or both" (Paragraph 0038).

In regard to claim 23, the disclosed device can be used with "the user's television set, radio, a computer or any other receiving device with capabilities of the present invention, depending on the data type" (Paragraph 0012). Figure 1 shows the receiving device. "The receiving device, in the preferred embodiment, is an STB or a PC with a TV tuner card" (Paragraph 0037; Paragraph 0038, Lines 1-3).

In regard to claim 24, the device uses "General-purpose microprocessors 150, such as the PowerPC 401 are used in STBs and digital televisions for controlling MPEG-2 components as well as for executing applications such as a program guide

used by the viewer. The microprocessor can obtain input from the MPEG-2 stream through the demultiplexer 110 or from a viewer interaction device, such as an infrared remote control connected to a data port 170. The microprocessor 150 has an attached memory storage 160, which is either a random access memory (RAM), non-volatile storage or both" (Paragraph 0038).

In regard to claim 25, the disclosed device comprises application specific circuitry, which is the graphics generator 180. The "graphics generator 180 is connected to the microprocessor to create an on-screen display (OSD), which is merged with the output of the video decoder 140 in the Video RAM 190" (Paragraph 0039, Lines 1-4).

In regard to claims 26 and 27, the "microprocessor 150 has an attached memory storage 160, which is either a random access memory (RAM), non-volatile storage or both" (Paragraph 0038).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn in view of Chawla (US Pat No 6,108,695).

In regard to claim 3, the Shteyn reference discloses a system where one or more clients register "events", such that upon detection of the "event" an action is performed.

The reference fails to explicitly disclose the use of a framework comprising a software layer between an application layer and a driver layer. Chawla teaches the use of a software layer between the "application layer" or the media stream manager and the "driver layer" or the low-level software (Figure 3; Col 4, Lines 6-12), which is preferred in order to increase system performance and user control. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Shteyn with a software layer between the "application layer" or the media stream manager and the "driver layer" or the low-level software to increase system performance and user control.

In regard to claim 4, the framework disclosed in the reference is associated with a broadcast signal. "FIG. 3 illustrates the MSMC API's 202 place in the server architecture. The MSM 204 is a layer of application server software that allows the user to control and manipulate video streams using the MSMC API 202. For example, it implements the functionality that enables fast forward, rewind, and other operations on video streams. The MSM 204 is layered directly on top of the MFS 206" (Col 4, Lines 6-12).

In regard to claim 6, Chawla discloses a system for managing channels on a multiple channel digital media server. The reference fails to explicitly disclose the use of library extensions as claimed. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to use library extensions for addressing files. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Chawla with library extensions for addressing files.



7. Claims 8-9, 11-14, 17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn in view of Chernock.

In regard to claims 8 and 9, the Shteyn reference discloses a system where one or more clients register "events", such that upon detection of the "event" an action is performed. The reference fails to explicitly disclose a plurality of distinct event types and actions. Chernock teaches the use of plurality of distinct event types and actions. Some of these event types and actions are:

- "Tuning the receiving device to play the subsequent program"
- "Recording a subsequent program or its selected embedded content at the scheduled time on an external video recording medium for video, on an external audio recording medium for audio, and on internal or external digital data recording medium for other digital data"
- "Reminding the user of the scheduled event at the scheduled time, with a video or audio notification, which will allow the user to tune the STB device to play the program" (Paragraphs 0018-0020).

This system is preferred in order to provide the user with more options. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Shteyn with a plurality of distinct event types to provide the users with more options.

In regard to claim 11, Chernock discloses the use of ranks structure by which conflict management, of the events and subsequent actions, is inherent.

In regard to claim 13, Chernock discloses the use of conditional access controller associated with the booking and actions (Paragraph 0038).

In regard to claim 12, Chernock discloses the use of ranks structure. Where if there is more than one scheduled event, then the event and subsequent actions take place by there ranking order (Figure 2).

In regard to claim 14, Chernock's disclosed system's booking have a corresponding "expiration time", where after the "expiration time", the booking is discarded. "After the selection is made, the contents of the scheduling information are processed by looping until either the notification time has passed in which case the notification is terminated and the queue monitoring is resumed, or the user has made a selection. If the user has made the selection, the notification is terminated and the process waits until the scheduled presentation time is reached" (Paragraph 0016).

In regard to claim 17, the method of the disclosed system comprises a plurality of distinct event types and actions where the event a detected by the "event managers."

Claims 19-20 are met by that discussed above for claims 8.

In regard to claim 21, the reference discloses that a program may be downloaded and utilized as part of an action. "This event application at step 295 may comprise:


1. informing the viewer of the program starting,
2. allowing the viewer to view and/or hear the selected multimedia presentation by tuning the device to the broadcast data stream,
3. allowing the viewer to download Software/Data by demultiplexing the desired data and storing it as a file on a storage device, such as an STB hard disk drive, and
4. programming a VCR by emitting through its serial port to an "IR

Blaster" device programming control information for the VCR in the form of VCR Plus.RTM. codes or native programming commands for the particular model of VCR. In this case, step 287 is executed" (Paragraphs 51-55).

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-306-0377.

JM  
October 20, 2003

  
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